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| | | PLAINTIFF | DEFENDANT | |
| 6-14-61 | Complaint, Original and one copy, filed. | | | |
| 6-14-61 | Summons, Original and one copy, the copy having attached thereto copy of the Complaint, issued and handed U. S. Marshal. | | | |
| 6-14-61 | AO Form 120 mailed to Commissioner of Patents, Washington 25, D. C. | | | |
| 6-14-61 | Marshal's return on Summons executed, filed. | | | |
| 6-27-61 | Motion by Defendant for enlargement of time to plead, filed. | | | |
| 6-27-61 | ORDER: Granting defendant until September 5, 1961 to move, answer or otherwise plead, filed and entered O.B. 1961, Page 279. | | | |
| 7-3-61 | Notice of taking testimony by defendant commencing at 10:00 A.M. July 18, 1961, Waldorf Astoria Hotel, Park Ave. and 50th St. New York, and continued from day to day until completed, whereupon an adjournment will be taken to Houston, Texas, where, commencing at 10:00 A.M., July 25, 1961, defendant will take discovery testimony of certain persons in the William Penn Hotel, 1423 Texas at La Branch St. and continue from day to day until completed, together with Certificate of Service, filed. | | | |
| 7-6-61 | Motion of Plaintiff for order extending time set for defendant's examination until after this civil action is at issue - filed | | | |
| 7-10-61 | Motion to Amend Complaint, together with Notice of Motion to be heard before Judge Mize at time and place agreeable to the court and attorneys in interest and exhibits 1 through 3, filed. | | | |
| 7-10-61 | Request for Admission of Facts by Plaintiff, together with Certificate, filed. | | | |
| 7-8-61 | Notice of Hearing on Motion to be brought before Judge Mize at 9:00 A.M., Wednesday, July 12, 1961, at Jackson, Miss., together with Certificate, filed. | | | |
| 7-10-61 | ORDER: Motion to extend time for defendant's examination is set for hearing for Wednesday, July 26, 1961, at hour on said date and place later to be determined by the court. Further ordered that the defendant and its attorneys will not take depositions now set for July 18 and July 25, 1961, in notice therefor or take attempt thereat, filed and entered O.B. 1961, Page 309 -A | | | |
| 7-12-61 | Motion to extend defendant's time to respond to plaintiff's request for admission of facts to and including 9-5-61, with notice of hearing on motion before Judge on 7-26-61, at such hour and place as may be determined by the Court, with certificate of service, filed. | | | |
| 7-12-61 | Order extending defendant's time to respond to plaintiff's request for admission of facts to such time as the Court may fix at the hearing on | | | |

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| | motion to be held on July 26, 1961, filed and entered Order Book 1961, Page 333. | | |
| 7-27-61 | Order: Defendant's motion for further extension of time in which to plead is denied, defendant to plead on or before 9-5-61; plaintiff's motion that defendant join issue before taking discovery depositions is overruled, defendant given leave to re-schedule, re-notice and proceed with discovery depositions, said depositions to be taken, at the election of the defendant, or or after 8-7-61; defendant granted until 8-5-61 within which to respond to plaintiff's requests for admissions of fact; plaintiff's motion to amend complaint is sustained, filed and entered O.B. 1961, pages 345 and 346. | | |
| 7-27-61 | Order amending complaint of plaintiff, filed and entered O.B. 1961, Page 347. | | |
| 8-4-61 | Answer of defendant to requests for admission of facts - filed | | |
| 9-5-61 | ORDER: Pursuant to agreement of the parties, defendant shall have until and including 10 days following completion of testimony of the witnesses named in defendant's notice dated 6-30-61 to answer, filed and entered O. B. 1961, Page 443. | | |
| 1-19-62 | Stipulation between parties agreeing that the Standard Oil Company (Kentucky), originally named as Defendant herein, has ceased to exist as a separate corporate entity and Standard Oil Company, a Kentucky corporation, succeeded to and accepted all the rights, interests and liabilities of its predecessor including status as a Defendant in this action, and parties consent to entry of order. filed | | |
| 1-19-62 | ORDER: Pursuant to agreement of parties, Standard Oil Company, a Kentucky corporation, be and it is hereby substituted as a party defendant for the Standard Oil Company (Kentucky) originally named as a defendant in this action, and said original Standard Oil Co. is hereby dropped from the caption of this action, filed and entered O. B. 1962, Page 22. | | |
| 1-23-62 | Answer and Counterclaim of Defendant to plaintiff's amended complaint, together with certificate of service, filed. | | |
| 1-23-62 | Defendant-Counterclaimant's motion for preliminary injunction, filed. | | |
| 1-23-62 | Notice of hearing on defendant-counterclaimant's motion for preliminary injunction to be held at Jackson, Miss., at 9:00 o'clock A.M., Monday, March 5, 1962, with certificate of service, filed. | | |
| 2-5-62 | Plaintiff's request for admission of facts, together with Certificate of Service, filed. | | |

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| 2-7-62 | Interrogatories by Plaintiff to Defendant, filed. | |
| 2-12-62 | ORDER granting sixty days addition ^{at} time for defendant and counter- | |
| | defendant to answer, more or otherwise please to counterclaim, | |
| | filed and entered O. B. 1962, Page 69. | |
| 2-16-62 | Notice of taking deposition by plaintiff, commencing at 10:00 A. M. | |
| | February 28, 1962, at the offices of Ogden, Brown, Robertson & | |
| | Marshall, at the Marion E. Taylor Building, Louisville, Kentucky, | |
| | and continue from day to day until completed, plaintiff will take | |
| | oral testimony of defendant, Standard Oil Company, a Kentucky | |
| | Corp., by its secretary, A. Burch Bland, together with Certificate | |
| | of Service, filed. (Certified copy mailed to Nicholas J. Stathis, | |
| | Esq., of Watson, Leavenworth, Kelton & Taggart, 100 Park Avenue, | |
| | New York 17, New York.) | |
| 2-19-62 | Defendant's Answers to Plaintiff's request for admission of facts | |
| | dated February 3, 1962, together with certificate of service, filed. | |
| 2-19-62 | Defendant's objections to Interrogatories, filed. | |
| 2-20-62 | Notice of hearing Objections to Interrogatories to be heard before | |
| | Judge Cox, at the United States Courthouse in Biloxi, Mississippi, | |
| | on February 23, 1962, at 9:00 A. M., or as soon thereafter as is con- | |
| | venient to the Court, together with Certificate of Service, and copy | |
| | of Objections to Interrogatories, filed. | |
| 2-26-62 | Defendant's Answers to Plaintiff's Interrogatories dated February 6, | |
| | 1962, with certificate of service - filed | |
| 3-12-62 | Opinion on objections to interrogatories: Humble Oil and Refining | |
| | Company is entitled to certain information and is not entitled to | |
| | certain information; an order overruling in part and sustaining in | |
| | part the objections to the interrogatories may be presented for | |
| | entry and answers shall be furnished Mr. Taggart in New York on or | |
| | before noon (E.S.T.) March 17, 1962, having attached thereto | |
| | letter of transmittal, filed. | |
| 3-14-62 | Defendant's Request for Admissions of Facts, together with Certificate | |
| | of Service, filed. | |
| 3-17-62 | ORDER on Standard Oil Company's Objections to Interrogatories: Ob- | |
| | jections to Interrogatories 5, 6, 9 and 11 sustained in part and | |
| | overruled in part; objections to interrogatories 12, 13 and 14 sus- | |
| | tained. Defendant shall furnish answers to interrogatories to which | |
| | its objections have been overruled, to plaintiff's attorneys in New | |
| | York, New York, on or before Noon, Eastern Standard Time, March 17, 1962, | |

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| | filed and entered O. B. 1962, Page 122. | | |
| 3-17-62 | Plaintiff's motion for production of documents, together with Notice of hearing before this Court at the U. S. District Courtroom, P. O. Bldg., Jackson, Miss., on the 23rd day of March, 1962, at 10:00 o'clock a.m., or as soon thereafter as counsel can be heard and Certificate of Service, filed. | | |
| 3-20-62 | Defendant's answers to Plaintiff's interrogatories dated March 6, 1962, to which Defendant's objections were overruled, together with certificate of service, filed. | | |
| 3-21-62 | Defendant's motion for response to interrogatories, together with Notice of hearing before this Court at the U. S. District Courtroom, P. O. Bldg., Jackson, Miss., on March 23, 1962, at 10:00 A. M., or as soon thereafter as counsel can be heard, filed. | | |
| 3-22-62 | Deposition of A. Burch Bland, taken by M.D. Odle, Court Reporter of Louisville 2, Ky., filed | | |
| 3-22-62 | Marshal's return on Civil Subpoena to produce document or object, executed as to W. C. Dodson, filed. | | |
| 3-22-62 | Notice of hearing before Hon. William Harold Cox, U. S. District Judge, at the U. S. District Court House in Jackson, Miss., on April 2, 1962 at 9:30 A. M., or as soon thereafter as is convenient to the Court, filed. | | |
| 3-22-62 | Plaintiff's objections to defendant's request for admission of facts, together with Certificate of Service, filed. | | |
| 3-26-62 | Reply of Plaintiff to Counterclaim, together with Certificate of Service, filed. | | |
| 3-28-62 | Marshal's return on subpoena executed as to J. R. Halbert, filed. | | |
| 3-28-62 | Marshal's return on subpoena unexecuted as to J. R. Halbert, filed. | | |
| 3-29-62 | Deposition of W. W. Bryan, taken by Howard J. Boland, Notary Public, Houston, Texas, together with Exhibits, filed. | | |
| 3-29-62 | Deposition of Morgan J. Davis, taken by Howard J. Boland, Notary Public, Houston, Texas, filed. | | |
| 3-29-62 | Deposition of William Naden, taken by Howard J. Boland, Notary Public, Houston, Texas, filed. | | |
| 3-29-62 | Deposition of Clifton C. Garvin, Jr., taken by Howard J. Boland, Notary Public, Houston, Texas, filed. | | |
| 4-5-62 | Memorandum Opinion by Judge Cox denying writ of temporary injunction... "An order to the effect stated may be presented for entry.", filed. | | |

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| 4-20-62 | Order denying defendant's motion for a preliminary injunction in all respects, filed and entered O. B. 1962, Pages 185 and 186. | |
| 5-24-62 | Court Reporter's (Elizabeth Evans) transcript on hearing on objections to interrogatories on March 7, 1962, filed. | |
| 7-5-62 | Deposition of Merrill Holland Utley, together with Exhibits 1 through 8, filed. | |
| 7-5-62 | Deposition of David Francis Cox, together with Exhibits 1 through 3, filed. | |
| 7-5-62 | Deposition of William Chennault Smith, together with Exhibits 1 through 13, filed. | |
| 7-18-62 | Interrogatories by defendant to plaintiff, filed. | |
| 7-25-62 | Order granting additional time to plaintiff until 9-1-62 in which to serve written objections to any of the interrogatories dated 7-13-62, filed and entered O.B. 1962 Page 372. | |
| 8-13-62 | Deposition of Robert E. Enfield, taken at 612 South Flower Street, Los Angeles, California, at 10:00 A.M., Wednesday, August 1, 1962, before Sanford Lester, CSR, Notary Public, pursuant to stipulation, filed. | |
| 8-20-62 | Motion by Plaintiff to move the Court for Order directing Clerk to furnish six copies of all original exhibits attached to depositions of William C. Smith, David F. Cocks (Cox) and Merrill H. Utley taken on June 12th, 13th, 1962 at Louisville, Kentucky, filed. | |
| 8-20-62 | ORDER: Granting the above Motion and stating expense incurred is charged to the Plaintiff, filed and entered O.B. 1962, Page 422. | |
| 8-21-62 | Photo copies per above Order, made by Jackson Blueprint Co., and billed to Humble Oil Co., this date handed to Atty Tuttle. | |
| 8-31-62 | Plaintiff's objections to defendant's interrogatories, together with certificate of service, filed. | |
| 8-31-62 | Notice that defendant will bring Plaintiff's objections to defendant's interrogatories on for hearing before Hon. William Harold Cox at the U. S. District Court House in Jackson, Miss., at 9:00 A.M. on 9-7-62 or as soon thereafter as is convenient to the Court, with certificate of service, filed. | |
| 9-1-62 | Motion by Emerson Foote, President of McCann-Erickson, Inc., to quash subpoena duces tecum, in the alternative, to modify and limit the subpoena, to limit the scope of matters to be | |

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| | inquired into on the taking of the deposition, in the alternative, that subpoena duces tecum be conditionally quashed until such time as defendant has advanced reasonable cost of producing the documents and things required, with notice of motion to be heard in the Post Office Building, Jackson, Miss., on 9-7-62 at 9:00 o'clock A.M., or as soon thereafter as counsel can be heard, with certificate of service and Exhibit "A", filed. | |
| 9-1-62 | Motion by Henry A. Mattoon, Vice President of McCann-Erickson, Inc., to quash subpoena duces tecum, in the alternative, to modify and limit the subpoena, to limit the scope of matters to be inquired into on the taking of deposition, in the alternative, that subpoena duces tecum be conditionally quashed until such time as defendant has advanced reasonable cost of producing documents and things required, with notice of motion to be heard in the Post Office Building, Jackson, Miss., on 9-7-62, at 9:00 o'clock A.M., or as soon thereafter as counsel can be heard, with certificate of service and Exhibit "A", filed. | |
| 9-6-62 | Affidavit of Joseph B. Wilkinson in support of Motion filed 9-1-62, with certificate of service, filed. | |
| 9-6-62 | Affidavit of Emerson Foote in support of Motion filed 9-1-62, with certificate of service, filed. | |
| 9-6-62 | Affidavit of Gustav J. Fiedler in support of Motion filed on 9-1-62, with certificate of service, filed. | |
| 9-13-62 | Order : on motions of Emerson Foote and Henry A. Mattoon to modify or quash subpoena duces tecum and limit depositions said witnesses not required to respond to subpoenas duces tecum until further order of this court - further ordered that counsel for McCann Erickson, Inc., and counsel for defendant Standard Oil Co. (Kentucky) shall meet together in New York City to consider and endeavor by examination of physical nature of documentary material how the interests of defendant may be served without unduly burdening the interest of McCann Erickson, Inc. - filed OB 1962 P 474 | |
| 9-13-62 | Order: Plaintiff's objections to certain interrogatories sustained, answers to certain order interrogatories postpone until further order of this court, plaintiff to make documents sought available or inspection by defendant and | |

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| | permit defendant to make copies of such of the documents as defendant may wish to copy and as to all other interrogatories plaintiff shall answer on or before Oct. 15, 1962 - biled OB 1962 P 475 | |
| 9-20-62 | Order authorizing attorneys, Heidelberg, Woodliff & Franks, Jackson, Miss., one of the attorneys for the plaintiff, to receive plaintiff's Exhibits 17 and 49 and to retain them for a period not in excess of 2 weeks from this date, filed and entered O. B. 1962, Page 503. | |
| 9-24-62 | Court Reporter's Transcript of Hearing on objections to interrogatories on Friday, September 7, 1962, at Federal Court Room, Jackson, Mississippi, filed. | |
| 11-9-62 | Court Reporter's Transcript of proceedings in Jackson, Mississippi, on March 26, 27 and 28: Volumes II, III, IV and V, filed. (Volume I filed 5-23-63.) | |
| ** 11-20-62 | Order authorizing withdrawal by defendant of copy of record, filed and entered OB 1962 P 601. | |
| 11-20-62 | Volumes 2 through 5 of record handed Atty. Jim Becker. | |
| 11-29-62 | Volumes 2 through 5 of record returned by Atty. Jim Becker. | |
| * 11-17-62 | Depositions taken by the defendant September 25 - 28, 1962 in Louisville, Kentucky, filed in three (3) volumes. Volume I containing depositions of Greathouse, Kolish, Oglesby, Peterson, Scholl, Weldon; Volume II containing depositions of Ayers, Brumleve, Crump, Ehrman, Kleinschmidt, Lawson, McAfee, Peterson, Powell, Stutzke; Volume III containing depositions of Clark, Crenshaw, Davis, Gregory, Groves, Guelda, Lose, Mayhall, Morris, Powell, Sherman, Strull, Swindler. | |
| 11-17-62 | Volume of exhibits offered in evidence in the depositions of the above taken by defendant on September 25 - 28, 1962 in Louisville, Kentucky, filed. | |
| 12-28-62 | Plaintiff's Answers to Defendant's Interrogatories with certificate of service, filed. | |
| 12-31-62 | Interrogatories by Plaintiff to defendant with certificate of service, filed. | |
| 12-19-62 | Deposition of James W. Fuller, taken 11-13-62 in Birmingham, Ala. filed. | |
| 12-19-62 | Deposition of J. B. Shear, taken 11-13-62 in Birmingham, Ala. filed. | |
| 12-19-62 | Deposition of W. A. Cummings, taken 11-13-63 in Birmingham, Ala. filed. | |
| 12-19-62 | Deposition of Hollen Crim, taken 11-14-62 in Birmingham, Ala. filed. | |

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| 12-19-62 | Deposition of Ernest H. Jacks taken 11-13-63 in Birmingham, Alabama, filed. | | |
| 12-19-62 | Deposition of John M. Goodwin taken 11-14-62 in Birmingham, Alabama, filed. | | |
| 12-19-62 | Deposition of James E. Hobdy taken 11-13-62 in Birmingham, Alabama, filed. | | |
| 12-19-62 | Deposition of Gail E. Saur taken 11-14-62 in Birmingham, Alabama, filed. | | |
| 12-19-62 | Deposition of Donald Dolan taken 11-13-62 in Birmingham, Alabama, filed. | | |
| 12-28-62 | Deposition of Alvin W. Vogtle taken 11-13-62 in Birmingham, Alabama, filed. | | |
| 12-28-62 | Deposition of Frank S. Sutherland taken 11-14-62 in Birmingham, Alabama, filed. | | |
| 12-28-62 | Deposition of Mrs. J. L. Cox taken 11-14-62 in Birmingham, Alabama, filed. | | |
| 1-9-63 | Deposition of Woodrow W. Williamson taken 11-13-62 in Birmingham, Alabama, filed. | | |
| 1-9-63 | Deposition of Harlan A. Judd taken 11-13-62 in Birmingham, Alabama, filed. | | |
| 1-9-63 | Deposition of George F. Lacey taken 11-13-62 in Birmingham, Alabama, filed. | | |
| 1-9-63 | Deposition of S. C. Holmes taken 11-14-62 in Birmingham, Alabama, filed. | | |
| 1-9-63 | Deposition of Grady L. Mayhew taken 11-15-62 in Birmingham, Alabama, filed. | | |
| 1-9-63 | Deposition of Donald E. Harrison taken 11-15-62 in Birmingham, Alabama, filed. | | |
| 1-9-63 | Deposition of Virgil Belbert Reed taken 11-15-62 in Birmingham, Alabama, filed. | | |
| 1-9-63 | Deposition of Benjamin H. Dickerson taken 11-15-62 in Birmingham, Alabama, filed. | | |
| 1-9-63 | Deposition of Dr. J. S. Davies taken 11-15-62 in Birmingham, Alabama, filed. | | |
| 1-9-63 | Deposition of Dr. George Howard taken 11-15-62 in Birmingham, Alabama, filed. | | |
| 1-9-63 | Order extending Defendant's time to answer or object to in- terrogatories until February 15, 1963, filed and entered O.B. 1963 F 27. | | |

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| 1-12-63 | Plaintiff's notice of taking deposition of Batten Barton Durstine & Osborn, Inc., at the offices of Townsend and Townsend, 901 Crocker Bldg., 620 Market St., San Francisco 4, Calif, together with Certificate, filed. | |
| 1-12-63 | Plaintiff's notice of taking deposition of Standard Oil Company, at the offices of Townsend and Townsend, 901 Crocker Bldg., 620 Market St., San Francisco 4, Calif., together with Certificate, filed. | |
| 1-14-63 | Defendant's motion for a Protective Order and for production of documents and things, together with Certificate of Service and notice of hearing at 9:00 A. M., Friday, January 18, 1963, or at such other time as convenient to Honorable Court, filed. | |
| 1-18-63 | Deposition of Louis B. Lepp on 11-13-63 in Birmingham, Alabama, filed. | |
| 1-18-63 | Deposition of C. W. Bryson taken on 11-14-63 at Birmingham, Alabama, filed. | |
| 1-18-63 | Deposition of Jack H. Pearson taken on 11-14-63 in Birmingham, Alabama, filed. | |
| 1-18-63 | Deposition of Grady H. Campbell taken on 11-15-63 in Birmingham, Alabama, filed. | |
| 1-18-63 | Deposition of W. W. Villadsen taken 11-14-62 in Birmingham, Alabama, filed. | |
| 1-19-63 | Order having attached thereto agreement of counsel of both parties concerning reports, notes and memoranda obtained through listening devices, etc., without prejudice to the right of Defendant to obtain any documents or things pursuant to proper discovery procedures which hereafter might be instituted, filed and entered O. B. 1963, Page 73. | |
| 1-28-63 | Court Reporter's transcript of Hearing on Defendant's Motion for a Protective Order and for production of documents and things, filed. | |
| 2-13-63 | Depositions of VARIOUS WITNESSES, taken by defendant at The Riviera of Atlanta, Atlanta, Georgia, before Walter M. Pratt, Notary Public, commencing on January 8, 1963, at 9:30 A. M., filed in three volumes: Volume I containing depositions of Clayton M. Dockins, Mrs. Charles G. Wright, Glover R. Bailie, Jr., Blanton R. Burton, Robert L. Sanders, William C. Louis, | |

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| | Claude D. Cothran, William Leroy Daughtry, Fred W. Lagerquist and Lafayette Carter: Volume II commencing January 9, 1963 containing depositions of David T. Lauderdale, Edward Dopko Elbert O. Housley, Edgar G. Kilpatrick, Jr., Joe Arnold Campbell, Lynda Lloyd, A. C. Williamson, and Albert I. Peterson: Volume III commencing January 10, 1963 containing depositions of Howard R. Harris, C. F. Baylor, James R. Gamble, John R. Montgomery, Arnold Melvin, William D. Harris, Joseph F. Spires, Samuel J. Miller and Ralph L. Redden, filed. | |
| 2-16-63 | ORDER: Extending until March 1, 1963, Defendant's time to answer or object to the Plaintiff's interrogatories dated 12-28-62, filed and entered O.B. 1963, Page 153. | |
| 2-21-63 | Notice of motion for order compelling McCann-Erickson, Inc. to complete compliance subpoena duces tecum and order of Judge William Harold Cox entered 9-12-62, said motion to be heard on March 1, 1963, at 9:00 A.M. or as soon thereafter as counsel can be heard, with certificate of service and having attached thereto Affidavit of W. Thomas Hofstetter and Exhibits A, B, C, and D - filed. | |
| 2-25-63 | MOTION by Plaintiff for an order pursuant to Rule 34 of Federal Rules of Civil Procedure together with Attachment A, and notice of motion for hearing before Hon. Sidney C. Mize at the U.S. Courthouse for the Southern District of Mississippi in Biloxi, Mississippi, on February 26, 1963, at 2:00 P.M. or as soon thereafter as counsel can be heard, and certificate of service - filed. | |
| 2-28-63 | Affidavit of J. DONALD McNAMARA and affidavit of C. J. AESCHLIMANN in opposition to Defendant's motion to compel McCann-Erickson, Inc. to complete compliance with subpoenas together with certificate of service - filed. | |
| 3-2-63 | ORDER: McCann-Erickson, Inc., Plaintiff's advertising agency, is to produce for Defendant's examination and copying documentary materials set forth in the order upon arrival of Defendant's counsel in New York City during the month of March, 1963, and in Houston, Texas, during the month of April, 1963. Defendant's counsel shall be afforded seven working days in each of said cities to complete said examination and copying, filed and entered O.B. 1963. | |

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| | Pages 169, 170, 171 and 172. | | |
| 3-7-63 | Defendant's answers to Plaintiff's interrogatories dated December 28, 1962, with affidavit and certificate of service - filed. | | |
| 3-15-63 | Plaintiff's Exhibits A through O to depositions of various witnesses taken by Defendant, Atlanta, Georgia, January 8, 9, 10, 1963; Exhibits A, B, C-1, C-2 and D attached to Volume I; Exhibits E, F, G and H attached to Volume II; Exhibits I, J, K, L, M, N and O attached to Volume III. Depositions filed on 2-13-63. | | |
| 3-18-63 | Notice of Motion for Change of Venue to the Western District of Kentucky, to be heard on 3-27-63 at 9:30 A. M., or as soon thereafter as counsel can be heard, at Biloxi, Miss., together with Certificate of Service, filed. | | |
| 3-22-63 | Exhibit to deposition of Fred W. Lagerquist, Jr., filed on February 13, 1963 attached to deposition. | | |
| 3-25-63 | Depositions of witnesses taken in Jacksonville, Florida, filed in three volumes: Volume I containing depositions of Eloise M. Jones, Mrs. V. E. Lucas, A.W. McClurkin, William M. Ricks, Mrs. R.A. Bowen, Mrs. Louis J. Rittener, Alvin M. Lancaster and William K. Crawford taken on January 22, 1963; Volume II containing depositions of Col. Perry D. Swindler, Mrs. James R. Hobbs, Jr., Oliver W. Brenton, Jr., Mrs. Clyde J. Ballentine, Charles Newsome, Robert H. Raines, G. Max Kimbrel, William M. Gramer and Thomas Luzaich taken on Jan. 23, 1963; Volume III containing depositions of Mrs. C.W. Chancey, Jr., Helen D. Emery, George H. Park, Ellen Newton Smith, Antoinette Sheridan, J.A. Campbell, Billy M. Jenkins, and E.M. Sanford taken on January 24, 1963 - filed. | | |
| 3-27-63 | Exhibits 190, 190-a, 194, 195a, 195b, 196 and 197 to Depositions in Volume II, filed 3-25-63 and attached to said volume - filed. | | |
| 3-27-63 | Sealed envelope placed in safe: On March 27, 1963, at Jackson, Mississippi, in open Court in the presence of plaintiff's attorneys Leslie D. Taggart, Francis X. Clair, M. M. Roberts, George F. Woodliff and Joe A. Thompson and defendant's attorneys Beverly W. Pattishall, W. Thomas Hofstetter, P. H. Eager, Jr., William E. Suddath, Jr. and Louis Seelbach, Judge S. C. Mize | | |

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| | directed the Clerk of this Court to place in an envelope and seal, copies and photocopies of papers identified as reports, the envelope to be labeled and placed in the safe in the office of the Clerk at Jackson, Mississippi, said envelope not to be opened until Judge Mize or Judge Cox ordered that it be opened. On 6-4-63 Clerk placed this sealed envelope in the safe at Biloxi, Mississippi. | | |
| 3-29-63 | Plaintiff's motion for an order quashing subpoena duces tecum dated March 15, 1963, together Notice of hearing before Judge Sidney C. Mize, in Hattiesburg, Miss., on April 10, 1963, at 10:00 A. M., or as soon thereafter as counsel can be heard, Exhibit "A" and Certificate of Service, filed. | | |
| 3-30-63 | Order granting additional time until April 11, 1963 for plaintiff to comply with the Order of this Court, dated January 19, 1963, in order to continue its investigation of matters pertinent thereto and more fully advise the Court of its findings in respect thereof, filed and entered O. P. 1963, Page 251. | | |
| 4-2-63 | Affidavit of Leslie D. Taggart in support of plaintiff's motion for an order quashing subpoena duces tecum, together with Exhibits "B", "C" and Certificate of Service, filed. | | |
| 4-30-63 | Court reporter's transcript of oral arguments before Judge Harold Cox on March 1, 1963, beginning at 9:00 A. M., filed. | | |
| 4-10-63 | Affidavit of Beverly W. Pattishall in opposition to plaintiff's motion to quash subpoena, filed. | | |
| 4-13-63 | Late filed exhibit attached to Vol. III of depositions of various witnesses filed 2-13-63. | | |
| 4-17-63 | Court reporter's transcript on motion to produce had on March 27, 1963, before Hon. S. C. Mize at Jackson, Miss., filed. | | |
| 4-27-63 | Order that plaintiff prepare and serve on defendant sworn written answers to the Request for Admissions/ ^{served 3-13-62} on or before May 20, 1963. Further ordered that plaintiff either furnish copies at defendant's expense on or before May 25, 1963, of the documents responsive to defendant's interrogatory number 64 served on plaintiff on July 13, 1962, as previously ordered on September 7, 1962, or prior to said date make said documents available to defendant for inspection and | | |

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| | copying, filed and entered O. B. 1963, Page 305. | |
| 5-6-63 | Court Reporter's Transcript of Proceedings on Motion to Quash Subpoena Duces Tecum before Judge Mize, at Hattiesburg, Miss., on April 10 & 11, 1963, filed. | |
| 5-8-63 | Notice of taking deposition of Burton E. Wyatt, Tuesday, May 28, 1963 at 10:00 A.M. at the offices of Jones, Bird & Howell, Fourth Floor, Haas-Howell Bldg., Atlanta 3, Ga., together with Certificate, filed. | |
| 5-13-63 | Motion by plaintiff to require further answers to interrogatories together with Certificate and Notice that this motion will be presented before Judge Mize at Jackson, Miss., May 22, 1963 at 9:00 A. M. or as soon thereafter, etc., filed. | |
| 5-13-63 | Plaintiff's notice to take the deposition of certain officers, directors, executives or other employees of the Standard Oil Company of California on Tuesday, June 11, 1963, at 10:00 A.M. at the Hotel Fairmont, San Francisco, California, together with Certificate, filed. | |
| 5-17-63 | Marshal's return on deposition subpoena to testify or produce documents or things, together with Exhibit "A", executed as to Burton E. Wyatt, filed. | |
| 5-20-63 | Plaintiff's answers to defendant's request for admissions dated March 13, 1962, together with affidavit and Certificate of Service, filed. | |
| 5-20-63 | Defendant's notice of motion to compel plaintiff to file further answers to defendant's interrogatories, to be held on June 5, 1963 at 9:00 A. M., or as soon thereafter as counsel can be heard, in the courtroom of the U. S. District Court for the Southern District of Miss., at Biloxi, Miss., together with Certificate of Service, filed. | |
| 5-23-63 | Volume I of court reporter's transcript of proceeding in Jackson, Miss., on March 26, 27 and 28, 1962, filed. | |
| 5-24-63 | Order on Plaintiff's motion to quash Defendant's subpoena duces tecum dated March 15, 1963: granted in part and denied in part, filed and entered O. B. 1963, Pages 381, 382, 383, 384, 385, 386, and 387. | |
| 5-28-63 | Marshal's return on civil subpoena, unexecuted as to Delton M. Keith, filed. | |

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| 6-5-63 | Affidavit of E. G. Sommers, Secretary-Treasurer of Standard Oil Company to the answers submitted by Standard Oil Company in response to Interrogatories 36 (a) and 36 (b), dated December 28, 1962, filed. | |
| 6-5-63 | Affidavit of E. G. Sommers, Secretary-Treasurer of Standard Oil Company to the answers submitted by Standard Oil Company in response to Interrogatories 49 (a) and 49 (c), filed. | |
| 6-7-63 | Interrogatories by Defendant to Plaintiff, filed. | |
| 6-14-63 | Order on Plaintiff's Motion to Require Defendant to file Further Answers to Interrogatories, further ordered that defendant shall serve additional answers to interrogatories herein on or before June 17, 1963 - filed and entered OB 1963 Ps 441-442 | |
| 6-18-63 | Defendant's further answers to plaintiff's interrogatories dated December 28, 1962, with attachment, and having a certificate of service, filed. | |
| 6-19-63 | Court reporter's transcript (Howard J. Boland) of the proceedings had at Biloxi, Mississippi on June 5, 1963, before Judge S. C. Mize, concerning motions to require further answers to interrogatories, filed. | |
| 6-22-63 | In accord with a direction by Judge S. C. Mize, in open Court at Biloxi, Mississippi during the pretrial conference on June 19, 1963, documents numbered 59, 60, 88, 61, 94, 56, 55, 62, 82, 84, 98, 79, 16 and 12, put in an envelope, sealed, and placed in the safe in the Office of the Clerk, United States District Court, at Biloxi, Mississippi, to be opened only upon order of the Court. | |
| 6-27-63 | Received with letter dated 6-24-63 from Plaintiff's Attorneys, document held not to be privileged when presented to the Court during the pre-trial conference on 6-19-63: #80 being photocopy of memorandum dated 12-19-33 "811 - TRADE MARK ESSO" from H. M. McLarin, in 5 pages, filed. | |
| 6-28-63 | Further Answers to Plaintiff's interrogatories No. 39 through 48, filed. | |
| 7-1-63 | Letter opinion dated 6-29-63 ruling all documents submitted during the pre-trial conference at Biloxi, Miss. on 6-19-63, other than document numbered 80, are privileged, filed. | |
| | (continued on Page 16) | |

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| 7-1-63 | Deposition of Robert M. Gray taken on 5-7-63, at the Sheraton-Lincoln Hotel, Houston, Texas, filed | |
| 7-1-63 | Deposition of D. W. Ramsey, Jr., taken on 5-9-63, at the Sheraton-Lincoln Hotel, Houston, Texas, filed | |
| 7-1-63 | Deposition of C. D. Pearson taken on 5-9-63, at the Sheraton-Lincoln Hotel, Houston, Texas, filed. | |
| 7-1-63 | Deposition of A. A. Diffey, taken on 5-7-63, at the Sheraton-Lincoln Hotel, Houston, Texas, filed. | |
| 7-1-63 | Deposition of Russell H. Venn taken on 5-7-63, at the Sheraton-Lincoln Hotel, Houston, Texas, filed. | |
| 7-1-63 | Defendants' Exhibits H59 - H89 relating to depositions filed 7-1-63, received by Howard J. Boland, Court Reporter, Houston, Texas, filed. | |
| 7-2-63 | Deposition of Einar B. Paust taken on 9-6-61, at the Waldorf-Astoria Hotel, New York New York, filed in two separate transcripts. | |
| 7-2-63 | Deposition of William R. Stott, taken on the 25th day of October, 1961, on behalf of the Defendant, at the Hotel Biltmore, New York, New York, filed | |
| 7-2-63 | Deposition of S. P. Gildersleeve taken on behalf of Defendant, 9-8-61, at the Waldorf-Astoria Hotel, New York, filed | |
| 7-2-63 | Deposition of Robert H. Scholl and Glenn W. Poorman, taken on behalf of Defendant, 9-7-61, at the Waldorf-Astoria Hotel, New York, New York, filed. | |
| 7-2-63 | Depositions of S. C. Hope and F. X. Clair taken on behalf of Defendant, 4-16-63, at the Essex House, 160 Central Park South, New York, New York, filed. (continuation of Deposition in two parts, of F. X. Clair) | |
| 7-2-63 | Deposition of G. W. Butler, taken on behalf of Defendant, 4-18-63, at the Essex House, 160 Central Park South, New York, New York, filed. | |
| 7-2-63 | Deposition of M. J. Rathbone taken on behalf of Defendant, on 4-19-63, at The Essex House, 160 Central Park South, New York, New York, filed. | |
| 7-2-63 | Depositions of Ralph R. McCoy, Gustav J. Fiedler and Julian L. Deane taken on behalf of Defendant on 6-7-63, at the Essex House, 160 Central Park South, New York, New York, filed. | |

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| 7-2-63 | Exhibits filed relating to depositions taken on the following persons: Einar B. Paust, Robert H. Scholl, Glenn W. Poorman, S. P. Gildersleeve, William R. Stott, S. C. Hope, F. X. Clair, G. W. Butler, M. J. Rathbone, Ralph R. McCoy, Gustav J. Fiedler and Julian L. Deane, with exhibits offered therein. | |
| 7-2-63 | Deposition of Burton E. Wyatt taken on June 4, 1963, in the Grand Jury Room Federal Court Building, Biloxi, Mississippi, filed. | |
| 7-2-63 | Exhibits A to N. inclusive, to the deposition of Burton E. Wyatt, filed. | |
| 7-8-63 | Deposition of A. L. Snow taken by Plaintiff on the 11th day of June, 1963, commencing at the hour of 2:40 P.M. at the Fairmont Hotel, California and Mason Streets, San Francisco, California. Filed. | |
| 7-8-63 | Deposition of Paul L. Fahrney, taken by Plaintiff June 11, 1963, commencing at the hour of 3:00 P.M. at the Fairmont Hotel, California and Mason Streets, San Francisco, California, filed. | |
| 7-8-63 | Deposition of W. H. Beekhuis, taken by Plaintiff, on February 13, 1963, commencing at the hour of 10:00 A.M. at the offices of Gagan & McDaniels, 9 First Street, San Francisco, California, filed. | |
| 7-8-63 | Deposition of Ralph G. Follis, taken by Plaintiff on June 11, 1963, at the hour of 10:00 A.M. at the Fairmont Hotel, California and Mason Streets, San Francisco, California. Filed. | |
| 7-8-63 | Exhibits 1 - 15 inclusive relating to the depositions taken in San Francisco, California on behalf of A. L. Snow, Paul L. Fahrney, W. H. Beekhuis, Ralph G. Follis, on June 11, 1963, Filed. | |
| 7-8-63 | Marshal's return on subpoena unexecuted as to Delton M. Keith, filed. | |
| 7-9-63 | Motion for Leave to Amend Answer and Counterclaim and to Supplement Counterclaim filed on behalf of Defendant-counter-claimant. Filed. | |
| 7-9-63 | Order: Ordered that defendant-counterclaimant's motion for Leave to Amend Answer and Counterclaim and To Supplement | |

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| | Counterclaim, is hereby granted. Filed and entered O. B. - Pages 474 & 475 . | |
| 7-10-63 | Transcript of Pretrial Conference, in two Volumes, I and II, held before the Honorable S. C. Mize, United States District Judge, for the Southern District of Mississippi, on June 18, and 19, 1963, Biloxi, Mississippi. (Volume I submitted by D. B. Jordan, Court Reporter) (Volume II submitted by McAtee Boland & Fridge, Court Reporters' from Houston, Texas). | |
| 7-11-63 | Deposition of Mr. A. Dana Brown taken on October 18, 1962, at the law offices of Ogden, Brown, Robertson, and Marshall, Sixth Floor, Marion E. Taylor Building, Fourth and Jefferson County, Kentucky, filed. | |
| 7-11-63 | Deposition of Mr. Willis Joseph Price, taken on October 17, 1962, at the law offices of Ogden, Brown, Robertson and Marshall, Sixth Floor, Marion E. Taylor Building, Fourth and Jefferson Streets, Louisville, Jefferson County, Kentucky, filed. | |
| 7-11-63 | Deposition of Mr. Marion M. Smith, taken on October 17, 1962, at the law offices of Ogden, Brown, Robertson and Marshall, Sixth Floor, Marion E. Taylor Building, Fourth and Jefferson Streets, Louisville, Jefferson County, Kentucky, filed. | |
| 7-11-63 | Deposition of Mr. W. R. Gaylord, taken on October 16, 1962, at the law offices of Ogden, Brown, Robertson, and Marshall, Sixth Floor, Marion E. Taylor Building, Fourth and Jefferson Streets, Louisville, Jefferson County, Kentucky, filed | |
| 7-11-63 | Exhibits Nos. 1 through 27 to the Deposition of W. R. Gaylord, filed. | |
| 7-12-63 | Further Answers to Defendant's Interrogatories and Other Discovery Matters signed by Russell H. Venn, with Affidavit attached, filed | |
| 8-26-63 | Civil Subpoena as to Mr. Robert A. Etter, returned, executed, filed | |
| 8-27-63 | Plaintiff's answers to Defendant's Interrogatories, with attachments, filed. | |
| 9-18-63 | Order directing that the separate issue of damages and profits as prayed for by defendant in its counterclaim shall not be tried until after this Court has made its determination on the issue of plaintiff's alleged liability, filed and entered O. B. 1963, P. 599. | |

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| 9-19-63 | Civil Subpoena as to Mr. Allen Halbert, returned, executed, filed. | |
| 9-24-63 | Civil Subpoena as to Mr. Jack Throckmorton, returned, executed filed. | |
| 10-2-63 | Civil Subpoena, return executed as to Bernard J. Thole, filed. | |
| 11-12-64 | Order: return material to attorneys Mize, Thompson & Mize, erroneously filed and entered in Southern Division, OB 1963 Page 709. | |
| 1-16-64 | Court Reporters Transcript of Proceedings, Volume 1 through Volume 56; Volume 1 of volumes 57, 58 and 59; Volume 2 of 57, 58 and 59, filed. | |
| 3-13-64 | Opinion, Findings of Fact and Conclusions of Law, in 126 pages: "### I am of the opinion, and so find, that the plaintiff is entitled to an adjudication of its rights and that the contract of 1955 is valid, legal and still subsisting, and that the plaintiff has the right to come into the 5-state area involved and use its trademark ESSO in the area and dispose of its petroleum products in wholesale or retail, but that it must exercise care in using it in such way that it will not cause any deception to the public. *** Since this is a controversy for a declaratory judgment to declare the rights of each party under the contract, plaintiff should be taxed with all costs that accrue at its instance and defendant should be taxed with all costs that accrue at its instance and no attorneys' fees will be allowed.*** An order may be drawn by attorneys for plaintiff in accord herewith and copies forwarded to opposing counsel for objections as to form, if any.", filed. | |
| 3-20-64 | ORDER: ordered that the Plaintiff is granted an additional twenty (20) days from and after the date hereof within which to prepare and present judgment in this cause, filed and entered OB, 1964, Page 187. | |
| 4-7-64 | FINAL JUDGMENT: ordered that (1) this Court has jurisdiction (2) plaintiff has the exclusive right to sell, offer for sale and advertise petroleum products of any and every kind under its trademark ESSO and any of its other trademarks which include ESSO in the states of Mississippi, Ala., Florida, Georgia and Kentucky, directly and not through defendant (3) defendant has not right or privilege to sell, offer for sale or advertise petroleum products of any kind under the trademark ESSO or any other trademarks which include ESSO, except as it is expressly authorized or permitted to do so in the states of Mississippi, Alabama, Florida, | |

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| | <p>Georgia and Kentucky, pursuant to the terms and conditions of the three contracts which are attached as exhibits to the amended complaint (4) defendants and its officers, directors, servants, agents and employees, successors and assigns, and any and all persons acting by or under its authority or consent or in privity with it, be, and the same hereby are, permanently enjoined and restrained from interfering in any manner with plaintiff's exercise of its exclusive right to sell, offer for sale and advertise petroleum products of any and every kind under its trademark ESSO or any of its other trademarks which include ESSO in the states of Mississippi, Ala., Fla., Ga., and Kentucky, directly and not through defendant (5) the sale, offering for sale or advertising by plaintiff of petroleum products of any and every kind under its trademark ESSO or any of its other trademarks which include ESSO in the states of Mississippi, Alabama, Florida, Georgia and Kentucky, directly and not through defendant, does not constitute infringement of any of defendant's names, trademarks or service marks, or any abbreviations or derivations thereof used by defendant, or of any other rights of defendant, and does not constitute deception of the public or unfair competition with defendant (6) defendant's counterclaim be, and the same hereby is, dismissed on the merits with prejudice (7) plaintiff and defendant shall each bear its own costs and disbursements and no attorneys' fees shall be allowed to plaintiff, filed and entered OB, 1964, Pages 220, 221, and 222.</p> <p>Final J.S. 6 Card</p> | |
| 5-1-64 | Defendant's Notice of Appeal to the U. S. Court of Appeals for the Fifth Circuit from all of paragraph 2 and from all of paragraphs 4 through 7, inclusive, of the final judgment entered in this action on April 6, 1964, filed. (Final Judgment filed 4-7-64.) | |
| 5-1-64 | Copy of the above notice of appeal mailed to Attorneys Leslie D. Taggart and George F. Woodliff and M. M. Roberts. | |
| 5-1-64 | Bond on Appeal in the sum of \$250.00, Standard Oil Co. (Ky.) Principal and U. S. Fidelity & Guaranty Co., Surety, filed. | |
| 5-1-64 | Appellant's designation of contents of record on appeal, | |

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| | | PLAINTIFF | DEFENDANT | |
| | together with Certificate of Service, filed. | | | |
| 5-4-64 | Motion of defendant-appellant, Standard Oil Company (Kentucky), to enter an order pursuant to Rule 75(i) that all exhibits of plaintiff and defendant, be sent to the Appellate Court, the United States Circuit Court of Appeals, Fifth Circuit, in original form in lieu of copies thereof, with certificate of service attached, filed. | | | |
| 5-18-64 | ORDER Concerning Exhibits: ordered that all exhibits shall be sent by the Clerk of this Court to the Clerk of the United States Court of Appeals, Fifth Circuit, at New Orleans, in original form, filed and entered OB, 1964, Page 292. | | | |
| 6-2-64 | Order extending time for filing record on appeal to ninety days from date of filing first notice of appeal - filed and entered OB 1964 P 338 | | | |
| 4-15-65 | Court Reporter's Transcript on Motion for Change of Venue taken in Jackson, Mississippi on March 27, 1965, filed. | | | |
| 1-16-67 | Defendant, Standard Oil Company's Motion for entry of an order for an injunction and an accounting of damages and profits, with notice and certificate of service, filed. | | | |
| 1-16-67 | Plaintiff, Humble Oil & Refining Company's Motion for hearing for relief with Notice of Motion and certificate of service, filed. | | | |
| 1-17-67 | JUDGMENT FROM UNITED STATES COURT OF APPEALS: It is now here ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, reversed with directions to enter judgment consistent with the opinion of this Court; It is further ordered and adjudged that the appellee, Humble Oil & Refining Company, be condemned to pay the costs of this cause in this Court for which execution may be issued out of the said District Court, filed and entered OB 1967 Page 34. (COURT COSTS TALLING \$25,888.34) | | | |
| 1-26-67 | EXHIBITS: P-1 through P-6, filed. | | | |
| 1-26-67 | JUDGMENT: Plaintiff permanently enjoined and restrained: from using, in the States of Mississippi, Alabama, Georgia, Florida and Kentucky, the name, service mark or trademark "ESSO" or any word containing "ESSO" in the advertising for sale, the sale or offering for sale, in said five states; plaintiff shall have a period of 75 days from the date of entry of this judgment within which to eliminate all | | | |

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| | | PLAINTIFF | DEFENDANT | |
| | presently existing uses of "ESSO" or words containing "ESSO"; | | | |
| | the issues relating to damages and profits, and to the allowance of | | | |
| | attorney's fees, disbursements and costs will be set down for hearing | | | |
| | before this Court at such time and place as the Court hereafter | | | |
| | directs; the Court retains jurisdiction of this cause for the purpose | | | |
| | of enabling any of the parties to this judgment to apply to this Court | | | |
| | at any time for such further orders and directions as may be necessary | | | |
| | or appropriate for the construction or carrying out of this judgment or | | | |
| | for the modification or termination of any of the provisions hereof, | | | |
| | and for the purpose of enforcement of compliance therewith and the | | | |
| | punishment of violation thereof. Filed and entered OB 1967 Pages 53 through 56. | | | |
| 1-26-67 | Copies of above Order mailed to Attorneys. | | | |
| 1-26-67 | Writ of Injunction, Original and one copy handed to U.S. Marshal | | | |
| | by Hon. Wm. Suddath. | | | |
| 1-26-67 | Marshal's return on Writ of Injunction executed, filed. | | | |
| 1-26-67 | Corrected exhibit list mailed to local attorneys of record. | | | |
| 2-2-67 | Corrected exhibit list mailed to local attorneys of record. | | | |
| 2-3-67 | Defendant's Motion for an accounting of profits and damages, | | | |
| | including reasonable attorneys' fees, disbursements and costs, | | | |
| | with certificate of service, filed. | | | |
| | Court Reporters transcript of the proceedings had before Hon- | | | |
| | orable Dan M. Russell, Jr., United States Judge, at Jackson | | | |
| | Miss., on January 25, 1967, filed. | | | |
| 12-29-67 | Stipulation to substitute copies for original exhibits D-255 | | | |
| | and D-256, filed. | | | |
| 12-29-67 | ORDER authorizing substitution of copies for original Exhibits | | | |
| | D-255 and D-256, filed and entered OB 1968 P 11. Copies mailed | | | |
| | to Hon. George Woodliff and William E. Suddath, Jr. | | | |
| 1-8-68 | Per above order original Exhibits D-255 and D-256 handed to delivery service | | | |
| | for Watkins & Eager. | | | |
| 7-28-69 | Motion of defendant for an Accounting of Profits and Damages, Including | | | |
| | Reasonable Attorneys' Fees, Disbursements and Costs, with certificate | | | |
| | of service, filed. | | | |
| 10-30-69 | FINAL JUDGMENT: Upon consent of parties, it is Ordered that | | | |
| | defendant's claims for an accounting of profits and damages | | | |
| | including reasonable attorneys' fees, disbursements and costs | | | |

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